

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

AUG 15 PM 3:37

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES D. THOMAS,

Defendant.

INDICTMENT

JUDGE NUGENT

5:18 CR 461

CASE NO.

Title 18, Sections 922(g)(1),
924(a)(2), (c)(1)(A), 924(d)(1)
and 2, United States Code; Title
21, Sections 841(a)(1) and
(b)(1)(A), (B) and (C), and 853;
Title 28, Section 2461(c), United
States Code

COUNT 1

(Possession with Intent to Distribute Methamphetamine,
in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A))

The Grand Jury charges:

1. On or about July 26, 2018, in the Northern District of Ohio, Eastern Division, Defendant JAMES D. THOMAS did knowingly and intentionally possess with the intent to distribute over 500 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

COUNT 2

(Possession with Intent to Distribute Cocaine Base ("Crack"),
in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

The Grand Jury further charges:

2. On or about July 26, 2018, in the Northern District of Ohio, Eastern Division, Defendant JAMES D. THOMAS did knowingly and intentionally possess with the intent to distribute approximately 122 grams of a mixture and substance containing a detectable amount

of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 3

(Possession with Intent to Distribute Cocaine,
in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

3. On or about July 26, 2018, in the Northern District of Ohio, Eastern Division, Defendant JAMES D. THOMAS did knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

(Felon in Possession of Firearms/Ammunition,
in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 2)

The Grand Jury further charges:

4. On or about July 26, 2018, in the Northern District of Ohio, Eastern Division, Defendant JAMES D. THOMAS, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Aggravated Assault, in Case Number CR-1998-11-2943, in the Summit County Court Common Pleas, Summit County, Ohio, on or about February 10, 1999, and Conveyance of a Drug of Abuse into Grounds of Specified Governmental Facility, in Case Number CR-2014-04-0973, in the Summit County Court of Common Pleas, Summit County, Ohio, on or about May 20, 2014, did knowingly possess in and affecting interstate and foreign commerce, firearms, to-wit: a Mossberg, model 500A, 12 gauge shotgun, serial number L753302; a Smith & Wesson, .38 special revolver, serial number 85K9962; a Colt, Python, .357 revolver, serial number X59100; a Smith & Wesson, model 36,

.38 caliber revolver, serial number 19413; a Ruger, Super Blackhawk, .44 caliber revolver, serial number 30555; a Hi-Point, model CF380, .380 caliber handgun, serial number P871910, and ammunition, said firearms and ammunition having previously been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) and 2.

COUNT 5

(Possession of a Firearm in Furtherance of a Drug Trafficking Offense,
in violation of 18 U.S.C. § 924(c)(1)(A))

The Grand Jury further charges:

5. On or about July 26, 2018, in the Northern District of Ohio, Eastern Division, Defendant JAMES D. THOMAS, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, those being, Possession with Intent to Distribute Controlled Substances in Counts 1 through 3, did knowingly possess a firearm in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE

The Grand Jury further charges:

6. For the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the allegations of Counts 1 through 5, inclusive, are incorporated herein by reference. As a result of the foregoing offenses, Defendant JAMES D. THOMAS shall forfeit to the United States any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of such violations; any and all of his property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations; and, any and all property (including firearms and ammunition)

involved in or used in the commission of such violations; including, but not limited to, the following:

- A. \$46,900.00 in U.S. currency;
- B. Mossberg, model 500A, 12 gauge shotgun, serial number L753302;
- C. Smith & Wesson, .38 special revolver, serial number 85K9962;
- D. Colt, Python, .357 revolver, serial number X59100;
- E. Smith & Wesson, model 36, .38 caliber revolver, serial number 19413;
- F. Ruger, Super Blackhawk, .44 caliber revolver, serial number 30555;
- G. Hi-Point, model CF380, .380 caliber handgun, serial number P871910; and
- H. Miscellaneous ammunition.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.